

Message Text

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PAGE 01 BONN 00600 141222Z

10

ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 SAJ-01

ACDA-05 /065 W

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P R 141214Z JAN 76

FM AMEMBASSY BONN

TO SECSTATE WASHDC PRIORITY 5611

INFO USMISSION USBERLIN PRIORITY

AMEMBASSY BERLIN

AMEMBASSY PARIS

AMEMBASSY LONDON

AMEMBASSY MOSCOW

USMISSION NATO BRUSSELS

C O N F I D E N T I A L BONN 00600

E.O. 11652: GDS

TAGS: PGOV, WB, PFOR, GW, UR, US, UK, FR

SUBJECT: REPLY TO SOVIET PROTEST ON ZEHLENDORF ELECTION

REFS: (A) STATE 305067; (B) BONN 20806; BOTH 1975

1. AT JAN. 13 BONN GROUP MEETING US AND FRG REPS
CONFIRMED AGREEMENT THEIR AUTHORITIES TO AD REF TEXT
(REFTEL B) OF REPLY TO SOVIET DEMARCHE. FRENCH REP
SAID HE STILL WAITING FOR INSTRUCTIONS.

2. UK REP (HITCH) SAID LONDON PROPOSED CHANGES IN LAST
TWO PARAS OF AD REF TEXT. LONDON BELIEVED PASSAGE
IN THAT TEXT POINTING OUT THAT ARTICLE 28(1) OF FRG
BASIC LAW HAS NOT BEEN SUSPENDED IN BERLIN BY AK AND THAT
ARTICLE 31 MAY BE APPLIED IN BERLIN SUBJECT TO AK
RESERVATIONS WAS "PROVOCATIVE."

3. BONN GROUP DISCUSSION RESULTED IN AD REF AGREEMENT
TO ALTERED TEXT, AS FOLLOWS
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PAGE 02 BONN 00600 141222Z

(KEYED TO TEXT PROVIDED REF B);

--PARA ONE - AS GIVEN

--PARA TWO - AS GIVEN

--PARA THREE - AS GIVEN

--PARA FOUR - DELETE

--PARA FIVE - BECOMES PARA FOUR, TO READ AS

FOLLOWS: THE BERLIN ELECTORAL REVIEW COURT, IN
DECIDING ON THE PRIMACY OF CERTAIN PROVISIONS OF THE
BASIC LAW, INTER ALIA ARTICLES 28(1) AND 31, WHICH WERE
IN CONFLICT WITH CORRESPONDING PROVISIONS OF THE BERLIN
CONSTITUTION, AND IN TAKING ACCOUNT OF THE RELEVANT
ALLIED RESERVATIONS, HAS ACTED IN A MANNER CONSISTENT
WITH LEGISLATION IN FORCE IN BERLIN AND THE RELEVANT
PROVISIONS OF THE QA. END TEXT.

4. COMMENT. WITH ZEHLENDORF ELECTIONS SCHEDULED FOR
JANUARY 25, ALL REPS EXPRESSED RENEWED HOPES THAT REPLY
CAN BE DELIVERED BEFORE "ELEVENTH HOUR." FRG AND US
REPS GAVE ON-THE-SPOT APPROVAL TO ABOVE REVISED TEXT.
(WE PROCEED FROM ASSUMPTION THAT DEPARTMENT WILL NOT
OBJECT TO DELETING PREVIOUS FOURTH PARAGRAPH, THEREBY
SHORTENING THE REPLY AND PROVIDING LESS ARGUMENTATION
ON WHICH A POSSIBLE SOVIET REJOINDER MIGHT BE
FOCUSED.) UK AND FRENCH REPS WILL INFORM US BY
TELEPHONE AS SOON AS THEY RECEIVE APPROVAL FROM
CAPITALS.
HILLENBRAND

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